

Remarks

In response to the Office Action mailed December 1, 2004, Applicants respectfully request reconsideration of the pending claims. To further prosecution of this application, Applicants submit the above amendments and the following remarks. The claims as presented are now in allowable condition.

Claims 16-19, 21-33, 35-54, and 56-57 are currently active in the application, claims 1-15, 20, 34, and 55 having been cancelled.

Claims 16-19 were rejected under 35 USC §103(a) as unpatentable over Carlsson (DE 3,141,940) in view of Holmes (US 6,026,869). Claims 20, 30-33, and 51-54 were rejected under 35 USC §103(a) as unpatentable over Carlsson (DE 3,141,940) in view of Holmes (US 6,026,869) as applied to claim 16, and further in view of Lyman et al. (US 5,819,825). Claims 16-25 and 30-50 were rejected under 35 USC §112 as being indefinite. Claims 20, 22-25, 34-44, 46-50, and 55-57 were objected to as being dependent upon a rejected base claim. Claims 26-29 were allowed.

Claim Rejection under 35 USC §112

Claims 16, 30, and 45 have been amended to recite the interrelationship between the transport means and the rotary saw. Both the transport means and the rotary saw are coupled to the subframe which, in turn, is coupled to the vehicle. Support for this arrangement between the subframe, transport means, and rotary saw may be found in the application on page 5, lines 23-25, on page 7, lines 5-11, and in Figures 2 and 3 and Figures 6-9.

Claims 21, 30, and 45 have been amended to delete reference to a controllably moveable anvil and to require that the anvil be adjacent the chipping drum and moveable to vary an angle of incidence of the tree onto the chipping drum. Support for the amendment may be found on page 8, lines 6-10 and Figures 10 and 11. Claims 21, 30, and 45 have also been amended to address lack of antecedent basis for the term "the angle of incidence."

In view of the above amendments, claim 45 is now allowable and claims 46-50 dependent from claim 45 are allowable for at least the same reasons.

Claims Allowable Over the Cited Art

Claim 16 has been amended to include the limitations of claim 20, claim 30 amended to include the limitations of claim 34, and claim 51 amended to include the limitations of claim 55. In view of the rewriting of claims 21, 34, and 55 in independent form as amended claims 16, 30, and 51 and the above amendments to claims 16 and 30 addressing rejections under 35 USC §112, amended claims 16, 30 and 51 are allowable.

Claims 17-19 and claims 21-29 depend from claim 16 and are allowable for at least the same reasons as is claim 16. Claims 31-33 and claims 35-44 depend from claim 30 and are allowable for at least the same reasons as is claim 30. Claims 52-57 depend from claim 51 and are allowable for at least the same reasons as is claim 51.

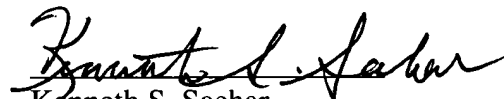
In view of the arguments presented at the top of page 4 of the Office Action, it is assumed that claims 21 and 30-33 and 51-54 were rejected under 35 USC §103(a) as being unpatentable rather than claims 20 and 30-33 and 51-54 as stated in the Office Action.

Trivial amendments were made to correct spelling (claims 31, 44, and 52), to eliminate inappropriate or redundant language (claims 24, 40, and 41), and to substitute equivalent terms (claims 16 and 30).

In view of the foregoing amendments and remarks, this application is now in condition for allowance, and a notice to this effect is respectfully requested. If the Examiner believes, after these amendments, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Applicants believe that no extension of time is due. If any additional fees are due in connection with this response, Commissioner is authorized to charge PTO Deposit Account no. 19-4972.

Respectfully submitted,



Kenneth S. Sachar
Registration No. 54,418
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

Attorney's Docket No.: 2373/103
March 25, 2005

02373/00103 372833.1